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★ DEC 19 2011 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

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THE ESTATE OF C. ROBERT ALLEN, III, by its  
Executrix, GRACE M. ALLEN,

Plaintiff,

-against-

~~PROPOSED~~  
SCHEDULING ORDER

Docket No.:

09-CV-0668 (ADS) (ETB)

CHRISTOPHER DEVINE, LAKESHORE MEDIA, LLC, :  
MILCREEK BROADCASTING LLC, COLLEGE CREEK :  
MEDIA LLC, MARATHON MEDIA GROUP, LLC, 3 :  
POINT MEDIA - SALT LAKE CITY, LLC, 3 POINT :  
MEDIA DELTA, LLC, 3 POINT MEDIA - UTAH, LLC, :  
3 POINT MEDIA - FRANKLIN, LLC, 3 POINT MEDIA :  
- PRESCOTT VALLEY, LLC, 3 POINT MEDIA - :  
COALVILLE, LLC, 3 POINT MEDIA - ARIZONA, LLC, :  
3 POINT MEDIA - FLORIDA, LLC, 3 POINT MEDIA - :  
KANSAS, LLC, 3 POINT MEDIA - OGDEN LLC, 3 :  
POINT MEDIA - SAN FRANCISCO, LLC, MIDVALLEY :  
RADIO PARTNERS, LLC, D&B TOWERS LLC, :  
SUPERIOR BROADCASTING OF NEVADA, LLC, :  
SUPERIOR BROADCASTING OF DENVER, LLC, :  
WACKENBURG ASSOCIATES, LLC, PORTLAND :  
BROADCASTING LLC, DESERT SKY MEDIA LLC, :  
SKY MEDIA LLC, DEVINE RACING MANAGEMENT, :  
LLC, ACB CONSULTING CO., and John Does 1 - 50, :  
:

Defendants.

-----X  
CHRISTOPHER DEVINE, LAKESHORE MEDIA, LLC, :  
MILCREEK BROADCASTING LLC, COLLEGE CREEK :  
MEDIA LLC, MARATHON MEDIA GROUP, LLC, 3 :  
POINT MEDIA - SALT LAKE CITY, LLC, 3 POINT :  
MEDIA DELTA, LLC, 3 POINT MEDIA - UTAH, LLC, :  
3 POINT MEDIA - FRANKLIN, LLC, 3 POINT MEDIA :  
- PRESCOTT VALLEY, LLC, 3 POINT MEDIA - :  
COALVILLE, LLC, 3 POINT MEDIA - ARIZONA, LLC, :  
3 POINT MEDIA - FLORIDA, LLC, 3 POINT MEDIA - :  
KANSAS, LLC, 3 POINT MEDIA - OGDEN, LLC, 3 :  
POINT MEDIA - SAN FRANCISCO, LLC, :  
MIDVALLEY RADIO PARTNERS, LLC, D&B :  
TOWERS LLC, SUPERIOR BROADCASTING OF :  
NEVADA, LLC, SUPERIOR BROADCASTING OF :  
DENVER, LLC, WACKENBURG ASSOCIATES, LLC, :  
PORTLAND BROADCASTING LLC, DESERT SKY :  
:

MEDIA LLC, SKY MEDIA LLC, DEVINE RACING  
MANAGEMENT, LLC, ACB CONSULTING CO., and  
John Does 1-50,

Third-Party Plaintiffs,

-against-

LUKE ALLEN,

Third-Party Defendant.

X

Pursuant to the Court's Order dated December 12, 2011 (DE 250), the following Proposed Scheduling Order is adopted. This Plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

1. **Fact Discovery Completion Date:** Except for good cause shown, all fact discovery shall be commenced in time to be completed by *July 18, 2012*.
2. **Expert Discovery Completion Date:** Except for good cause shown, all expert discovery shall be commenced in time to be completed by *September 18, 2012*.
3. **Dispositive Motions:** Any party planning on making a dispositive motion must take the first step in the motion process by ~~November 18, 2012~~ *December 18, 2011* or risk forfeiting the right to make such motion. Parties are directed to consult the District Judge's individual rules regarding such motion practice.
4. **Final Pretrial Conference:** A final pretrial conference before the undersigned will be held by phone on ~~January 22, 2012~~ *October 22, 2011* at ~~10 a.m./p.m.~~ *10 a.m.* Meaningful settlement discussions will occur at the conference. Clients or other persons with full settlement authority must be available by telephone. Parties are to electronically file a joint pretrial order in compliance with the District Judge's individual rules, signed by counsel for each party, prior to the conference.
5. **Next Case Management Conference:** ~~As per the Court's Order dated December 12, 2011 (DE 250), the next case management conference will be held on May 18, 2012, at 1:30 p.m. by telephone.~~

This Proposed Scheduling Order may be executed in counterparts.

This Proposed Scheduling Order may be modified <sup>by the court</sup> only upon ~~good cause shown~~.

Dated: December 15, 2011

*consistent with the  
initial scheduling order  
dated 12/19/11.*

FARRELL FRITZ, P.C.

PECKAR & ABRAMSON

By: 

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By: 

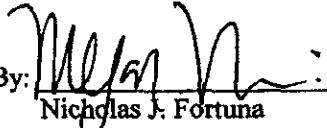
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Millcreek Broadcasting LLC  
College Creek Media LLC  
Marathon Media Group, LLC  
3 Point Media – Salt Lake City, LLC  
3 Point Media Delta, LLC  
3 Point Media – Utah, LLC  
3 Point Media – Franklin, LLC  
3 Point Media – Prescott Valley, LLC  
3 Point Media – Coalville, LLC  
3 Point Media – Arizona, LLC  
3 Point Media – Florida, LLC  
3 Point Media – Kansas, LLC  
3 Point Media – Ogden, LLC  
3 Point Media – San Francisco, LLC  
Midvalley Radio Partners, LLC  
Superior Broadcasting of Nevada, LLC  
Superior Broadcasting of Denver, LLC  
Wackenburg Associates, LLC  
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*12/19/11*

*So ordered*

/s/ E. Thomas Boyle, U.S.M.J.

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SO ORDERED:

\_\_\_\_\_  
E. Thomas Boyle  
United States Magistrate Judge

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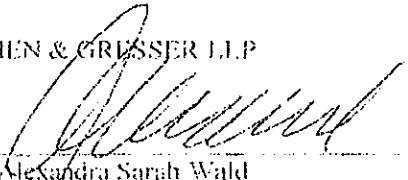
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SO ORDERED:

\_\_\_\_\_  
E. Thomas Boyle  
United States Magistrate Judge

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